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**TO: EXAMINER: KENDRA D. CARTER****FROM: MICHAEL J. MAZZA**  
**REG. NO. 30,775****COMPANY: UNITED STATES PATENT OFFICE**  
**GROUP ART UNIT: 1617****PHONE NUMBER: 650-631-3271****FAX NUMBER: 1-571-273-8300****FAX NUMBER: 650-620-6395****PHONE NUMBER:****DATE: MAY 2, 2007****RE: U.S PATENT APPLICATION NO. 10/751,342; FILED 12/31/2003**  
**FIRST INVENTOR: JEFFRY G. WEERS, et al.****ENCLOSED:****TRANSMITTAL FORM PTO/SB/21 (1 PAGE)****REPLY TO RESTRICTION REQUIREMENT (2 PAGES)****TOTAL NO. OF PAGES INCLUDING COVER: 4**

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☐ **URGENT** ☒ **FOR REVIEW** ☒ **PLEASE COMMENT** ☐ **PLEASE REPLY** ☐ **PLEASE RECYCLE**

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**NOTES/COMMENTS:**

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PTO/SB/21 (04-07)

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Total Number of Pages In This Submission

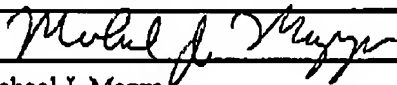
Application Number	10/751,342
Filing Date	December 31, 2003
First Named Inventor	Jeffrey G. WEERS
Art Unit	1617
Examiner Name	Kendra D. CARTER
Attorney Docket Number	0190.00

## ENCLOSURES (Check all that apply)

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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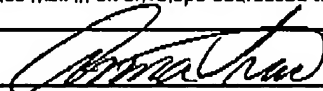
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NEKTAR THERAPEUTICS		
Signature			
Printed name	Michael J. Mazza		
Date	5/2/07	Reg. No.	30,775

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Anna Tran

Date

MAY 2, 2007

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Signed: 

Anna Tran

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jeffrey G. Weers *et al.*

Examiner: Kendra D. Carter

Serial No.: 10/751,342

Art Unit: 1617

Filed: December 31, 2003

Title: **AEROSOLIZABLE PHARMACEUTICAL FORMULATION FOR FUNGAL INFECTION THERAPY**

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Reply to Restriction Requirement is submitted in response to the Office communication mailed on April 10, 2007, which required restriction of the claims in the above-identified application.

**A. The Restriction Requirement:**

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-96 as being drawn to a method of treating, classified in 514/886 and/or 514/950; and
- II. Claim 98 as being drawn to a unit dose receptacle, classified in 604/24 and/or 424/45.

**B. Response to the Restriction Requirement:**

In response, Applicants hereby elect Group I, comprising claims 1-96, *with traverse*.

Traverse is premised on the ground that a combined search of the two Groups does not impose an undue burden on the Examiner. As stated in the Manual of Patent Examining Procedure ("MPEP"),